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FACSIMILE TRANSMITTAL SHEET

TO: COMMISSIONER FOR PATENTS

FIRM/COMPANY: USPTO, Group Art Unit: *Not yet assigned*

FACSIMILE NUMBER: 703-872-9306

**CONFIRMATION
TELEPHONE:**

FROM: Anne Marie Leavy, Patent Assistant to Edward J. Lynch

DIRECT DIAL: 415.371.2217

DATE: June 17, 2005

USER NUMBER: 5121

FILE NUMBER: U.S. Serial No. 10/683,885, Atty. Docket No. 667P

**TOTAL # OF PAGES:
(INCLUDING COVERSHEET)** 42

MESSAGE: Attached is a *Belated Submission of Prior Art Pursuant to 37 CFR §1.99 and PTO-1449 Form* listing one reference in connection with the above-referenced application.

Please confirm receipt of this facsimile.

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If there is a problem with this transmission, please call us as soon as possible at 415.371.2200.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Daren L. Stewart, et al.

For: **APPLICATOR FOR RADIATION
TREATMENT OF A CAVITY**

Serial No.: 10/683,885

Filed: October 10, 2003

)
) Examiner:

)
) Group:

)
) **RELATED SUBMISSION OF PRIOR**
) **ART PURSUANT TO 37 C.F.R.**
) **\$1.99**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 872-9306, addressed to Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450, on June 17, 2005, in San Francisco, CA.

Anna Marie Leavy
Anna Marie Leavy

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The submitter hereby requests that the prior art (U.S. Pat. Pub. 2004/0116767) listed in the attached PTO-1449 Form be considered in the examination of the above application. The pertinent portions of this prior art reference is attached hereto and a complete copy of the prior art reference is also enclosed. This prior art could not have been earlier presented because applicant did not copy claims from application Serial No. 10/290,002 until May 27, 2005.

A copy of this submission has been served on the applicant pursuant to 37 CFR §1.248.

Please charge the fees for 37 CFR §1.17(i) (\$130.00) and 37 CFR §1.17(p) (\$180.00) to Deposit Account No. 04-1679.

Respectfully submitted,

By: _____

Edward J. Lynch

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PROOF OF SERVICE

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this application. My business address is Duane Morris LLP, One Market Plaza, Spear Tower, Suite 2000, San Francisco, California 94105. On the date listed below, I served the following document(s):

BELATED SUBMISSION OF PRIOR ART PURSUANT TO 37 C.F.R. §1.99

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California, addressed as set forth below.

Attorneys for Applicant

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Dated: Friday, June 17, 2005

Anne Marie Leavy

